

1
2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5
6

7 MICHAEL HILL, individually and on behalf
8 of all others similarly situated,

9 Plaintiff,

10 v.

11 ROBERT'S AMERICAN GOURMET FOOD,
12 LLC, dba PIRATE BRANDS,

13 Defendant.
14

Case No.: 13-cv-00696-YGR

**ORDER TO SHOW CAUSE REGARDING
DEFENDANT'S MOTION TO DISMISS
COMPLAINT**

15 Defendant filed a Motion to Dismiss Complaint on May 3, 2013. (Dkt. No. 14.) The hearing
16 has been scheduled for August 20, 2013. The Court notes that the briefing schedule entered into ECF
17 reflects that the opposition is due on July 2, 2013 and the reply is due on August 1, 2013.

18 Counsel for both parties are hereby **ORDERED TO SHOW CAUSE** why they should not be
19 sanctioned for attempting to modify a briefing schedule without leave of Court. The Court's Standing
20 Order in Civil Cases at section 3 states, in part:

21 No changes to the Court's schedule shall be made except by signed order of the
22 Court and only upon a showing of good cause. Parties seeking to continue hearings,
23 request special status conferences, *modify briefing schedules*, or make any other
24 procedural changes shall submit a signed stipulation and proposed order, or, if
25 stipulation is not possible, a Motion for Administrative Relief, as contemplated by
26 Civil Local Rule 7-11. Continuances will be granted only upon a showing of good
27 cause, particularly focusing on evidence of diligence by the party seeking delay and
28 of prejudice that may result if the continuance is denied. *Briefing schedules may
not be changed by stipulation. The parties must obtain leave of court.*

1 (Emphasis supplied.) The Court notes that the parties did not file a motion for administrative relief or
2 even a stipulation reflecting an agreement to modify the briefing schedule. As such, the opposition is
3 now past due.

4 A hearing on this Order to Show Cause will be held on Friday, June 7, 2013 on the Court's
5 9:01a.m. Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 5.

6 By no later than May 31, 2013, if the parties wish to proceed with the briefing schedule and
7 hearing date as filed, they must file a (i) stipulation and proposed order or (ii) motion for
8 administrative relief under Civil Local Rule 7-11, explaining why the Court should permit such a
9 significant change to the normal briefing schedule set forth in the Local Rules. The parties must
10 explain the precise reasons that the additional time is needed. The Court will alternatively consider
11 (iii) a request to withdraw the pending motion with a request and stipulation setting forth a new
12 briefing schedule and hearing date.

13 By May 31, 2013, the parties must *also* file written responses to this Order to Show Cause
14 why they should not be sanctioned for their failure to follow the Court's Standing Order. The Court
15 will accept a joint response if signed by counsel for both parties.

16 If the Court is satisfied with the parties' responses, the parties need not appear and the hearing
17 will be taken off calendar. Otherwise, counsel must personally appear at the hearing. Neither a
18 special appearance nor a telephonic appearance will be permitted. Failure to file the required
19 documents will be deemed an admission that no good cause exists and that the imposition of
20 monetary sanctions is appropriate.

21 **IT IS SO ORDERED.**

22
23 Dated: May 20, 2013

24 
25 YVONNE GONZALEZ ROGERS
26 UNITED STATES DISTRICT COURT JUDGE
27
28